

Message Text

PAGE 01 BERLIN 00429 081148Z

51

ACTION EUR-25

INFO OCT-01 ISO-00 INRE-00 SSO-00 NSCE-00 USIE-00 CIAE-00

DODE-00 PM-07 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SPC-03 SS-20 IO-14 ACDA-19 SAJ-01 NIC-01 DRC-01

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FM USMISSION BERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 3092

C O N F I D E N T I A L BERLIN 0429

E.O. 11652: GDS

TAGS: PGOV, GE, GW, WB

SUBJECT: BK/L ON BRUECKMANN CASE

REF: A) BONN 3712, B) BERLIN 426; C) BERLIN 415
B) STATE 45440

1. WE APPRECIATE EXCELLENT COMPROMISE FORMULATION EMBASSY OBTAINED ON POINT REFLECTING FRG REPRESENTATION OF BERLIN'S INTERESTS IN TREATIES. WE ALSO CAN SEE SOME MERIT IN ALLIED ARGUMENT THAT QA REFERENCE MIGHT BE INAPPROPRIATE IN DOCUMENT SENT TO SENAT BUT ADDS POWERFULLY TO ARGUMENTATION THAT WOULD BE PERSUASIVE TO FRG AND TO CONSTITUTIONAL COURT.

2. FOR REASONS SET FORTH REF B, WE CONTINUE TO BELIEVE, HOWEVER, THAT IT IS IMPORTANT TO INSTRUCT SENAT TO PASS ALLIED VIEWS ON CASE TO COURT AS WE DID IN

BK/L(67)10. LEGALLY THIS IS ONLY GUARANTEED CHANNEL FOR CONVEYING ALLIED VIEWS, SINCE SENAT MUST DO WHAT WE INSTRUCT, WHILE FRG IS FREE TO COMPLY WITH REQUEST IN AIDE MEMOIRE AS IT CHOOSES.
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PAGE 02 BERLIN 00429 081148Z

3. WE ACCORDINGLY RECOMMEND THAT ALLIED CONCURRENCE BE SOUGHT TO ISSUE BK/L WITH FOLLOWING MODIFICATION OF PARAGRAPH C: "THE ALLIED KOMMANDATURA, THEREFORE, EXPECTS THE SENAT TO ENSURE

THAT THE ABOVE EXPRESSED VIEWS ARE BROUGHT PROMPTLY
TO THE ATTENTION OF THE FEDERAL CONSTITUTIONAL COURT
AND THAT NO DOCUMENTS RELATING TO THE CASE ARE
DELIVERED TO THE FEDERAL CONSTITUTIONAL COURT BY ANY
BERLIN OFFICIAL, OFFICIAL OFFICE, OR COURT."KLEIN

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<< END OF DOCUMENT >>

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Disposition Approved on Date:
Disposition Authority: garlanwa
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Disposition Date: 28 MAY 2004
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